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OLC 74-2517

6 December 1974

MEMORANDUM FOR THE RECORD

SUBJECT: H.R. 16373 and S. 3418, Right of Privacy Bills

1. Per his request, I met yesterday with Steve Daniels, Representative John N. Erlenborn's (R., Ill.) staff man on the informal group of staffers from the House and Senate Government Operations Committees who are meeting to resolve the differences in the subject bills and to prepare a compromise version. According to Daniels, if they can get a compromise bill, the Committee managers will agree not to hold a formal conference (H.R. 16373 passed both House and Senate). Instead, the compromise bill will be introduced as an amendment on the House floor for a vote next week. If passed, the bill would then be immediately submitted for a Senate vote. Daniels added that the compromise bill would be cleared with the President before it is voted on by the Congress and it should have no floor opposition.

2. Daniels stated that the Senate staffers are pressing to include, in the compromise version, those sections in S. 3418 from which the Agency is not exempt. I informed Daniels that our people had again reviewed these sections of S. 3418 and they are acceptable. I made clear to Daniels, however, that our basic position which we have made clear to the members of the House staff, is to be subject only to those sections that are in H.R. 16373. If this position falls, then we would accept the additional sections in S. 3418. Daniels noted that a number of the sections in S. 3418 from which we are not exempt may very well be struck. These are sections 201(b)(3) and (4), 201(c)(D) and (F), and 202(3). I requested that we be permitted to review our exemption before it becomes final to be absolutely sure that there are no problems. I also made clear that we prefer the wording of the exemption in the House bill. He assured me that the Agency's exemption will be as worded in H.R. 16373.

3. Later, I called Jim Kronfeld, Staff Counsel, House Government Operations Subcommittee on Foreign Operations and Government Information and informed him of my discussion with Daniels. He assured me they will hold firm on our exemption but will accept the sections in S. 3418 only if absolutely necessary. Bill Phillips, Staff Director of the Subcommittee,

stated flatly to me that if the Senate staffers press their demands, the House staffers will not concede and there will be no bill.

4. We still are in good shape. It is hoped now that the bill passes since we are now adequately exempted. We may not fare so well in the next Congress and all the work we have done will be lost.

[Redacted Signature Box]

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Assistant Legislative Counsel

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Orig_N - Subject (H. R. 16373)

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